

(Draft - Awaiting Formal Approval)

**MINUTES OF THE  
NATURAL RESOURCES, AGRICULTURE, AND ENVIRONMENT INTERIM COMMITTEE**  
Wednesday, November 18, 2009 – 2:00 p.m. – Room 210 Senate Building

**Members Present:**

Sen. Dennis E. Stowell, Senate Chair  
Rep. Roger E. Barrus, House Chair  
Sen. Allen M. Christensen  
Sen. Margaret Dayton  
Sen. Karen W. Morgan  
Rep. Melvin R. Brown  
Rep. Rebecca Chavez-Houck  
Rep. Jack R. Draxler  
Rep. Ben C. Ferry  
Rep. Kerry Gibson  
Rep. James R. Gowans  
Rep. Neal B. Hendrickson  
Rep. Fred R. Hunsaker

Rep. John G. Mathis  
Rep. Michael E. Noel  
Rep. Patrick L. Painter  
Rep. Phil Riesen  
Rep. Ryan D. Wilcox  
Rep. Bradley A. Winn

**Members Absent:**

Rep. Brad L. Dee

**Staff Present:**

Mr. J. Brian Allred, Policy Analyst  
Mr. Christopher R. Parker, Associate General Counsel  
Ms. Joy L. Miller, Legislative Secretary

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Stowell called the meeting to order at 2:15 p.m. Rep. Dee was excused from the meeting.

**MOTION:** Rep. Draxler moved to approve the minutes of the October 21, 2009 meeting. The motion passed unanimously. Sen. Dayton, Rep. Gibson, Rep. Gowans, Rep. Mathis, and Rep. Painter were absent for the vote.

**2. Public Lands Policy Coordination Office Activities and Expenditures**

Mr. John Harja, Director, Public Lands Policy Coordination Office, distributed and discussed "Public Lands Policy Coordination Office Activities and Expenditures Report." He outlined issues the office has been addressing which include natural resources, archeology, public roads, litigation, and expenditures.

Rep. Noel stressed the need to make sure the office is funded in order to continue its important functions.

**3. State Energy Program - Renewable Energy Model Ordinances Report**

Ms. Elise Brown, Renewable Energy Coordinator, State Energy Office, gave a presentation on "SJR 1 - Model Renewable Energy Ordinances." She discussed the different technologies the office is charged with reviewing. She noted that model ordinances were not done for geothermal electric, hydroelectric, biomass, solar, and wind.

**4. Draft Legislation, "Livestock Damage Compensation Amendments"**

Rep. Brown discussed 2010 General Session draft legislation, "Livestock Damage Compensation Amendments," which allows compensation to be paid to owners of livestock killed by wolves.

Ms. Robin Thomas, Division of Wildlife Resources (DWR), distributed "Utah's Wolf Delisted Area," which

outlines the area of the state where wolves have been delisted as an endangered species. She explained that the bill will enable the DWR to compensate livestock owners for damage caused by wolves.

Mr. Jim Karpowitz, Director, DWR, explained that the state has control over the wolves only in the delisted area. He said the state should not be compensating, with state funds, for animals that are not under its control. He said they would like to see wolves delisted statewide.

**MOTION:** Sen. Christensen moved to pass 2010 General Session draft legislation, "Livestock Damage Compensation Amendments," with a favorable recommendation and as a committee bill. The motion passed unanimously. Sen. Morgan, Rep. Draxler, Rep. Painter, Rep. Wilcox, and Rep. Winn were absent for the vote.

**5. Draft Legislation, "Water Companies and Water Right Change Requests"**

**6. Draft Legislation, "Water Right Change Application Amendments"**

Chair Stowell explained that Rep. Painter was needed in another Committee meeting and requested that these two items be withdrawn from consideration. Rep. Painter indicated he would send the legislation under agenda item 5 to interim study. Chair Stowell asked for comments from the public.

Mr. Gordon Young, President, Mona Irrigation Company, expressed his concern with draft legislation "Water Companies and Water Right Change Requests." He said the cumulative impact of the changes would make it almost impossible for an irrigation company to put any restrictions on change applications.

**MOTION:** Sen. Dayton moved that individuals wanting to address the legislation submit their comments in writing to become part of the record. These comments would be submitted with the bill for interim study.

**SUBSTITUTE MOTION:** Rep. Ferry moved to go to the next item on the agenda. The motion passed with Rep. Chavez-Houck voting in opposition. Sen. Morgan, Rep. Painter, and Rep. Wilcox were absent for the vote.

**7. Draft legislation, "Utah Generated Renewable Energy Electricity Network Authority Amendments"**

Rep. Barrus discussed 2010 General Session draft legislation, "Utah Generated Renewable Energy Electricity Network Authority Amendments," which modifies the membership of the board.

**MOTION:** Rep. Gibson moved to pass 2010 General Session draft legislation, "Utah Generated Renewable Energy Electricity Network Authority Amendments," with a favorable recommendation and as a committee bill. The motion passed unanimously. Sen. Morgan and Rep. Painter were absent for the vote.

**8. Draft Legislation, "Wildlife Licenses, Certificates, or Permit Amendments"**

Rep. Gibson explained 2010 General Session draft legislation, "Wildlife Licenses, Certificates, or Permit Amendments," which would give the wildlife board the ability to establish refunds by administrative rule.

Ms. Thomas said the amendments would allow DWR to provide refunds to those who received a once in a lifetime permit and then were not able to use it.

**MOTION:** Sen. Dayton moved to pass 2010 General Session draft legislation, "Wildlife Licenses, Certificates, or Permit Amendment," with a favorable recommendation and as a committee bill. The motion passed unanimously. Sen. Morgan, Rep. Painter, and Rep. Winn were absent for the vote.

Sen. Stowell turned the chair over to Rep. Barrus.

## **9. Draft Legislation, "Local District Amendments"**

Chair Stowell discussed 2010 General Session draft legislation, "Local District Amendments," which allows the creation of a local district to develop and execute a groundwater management plan in cooperation with the state engineer. He distributed "Local District Amendments: Creation and powers of a local district to develop and execute a groundwater management plan."

Mr. Dallin Jensen, Parsons Behle & Latimer, explained that Utah law limits groundwater withdrawals to safe annual yield. He noted that years ago the Legislature amended the water code to specifically recognize the state engineer's authority to draft and implement a state water management plan in conjunction with the local interests. He discussed the issue of the proposal to bank water rights.

Mr. Parker explained the interrelationship of the proposed legislation and the issue of banking water rights.

**MOTION:** Rep. Draxler moved to pass 2010 General Session draft legislation, "Local District Amendments," with a favorable recommendation and as a committee bill. The motion passed unanimously. Sen. Morgan, Rep. Gibson, and Rep. Painter were absent for the vote.

## **10. Draft Legislation, "Land Exchange Distribution Account Amendments"**

Sen. Stowell explained 2010 General Session draft legislation, "Land Exchange Distribution Account Amendments," which modifies the distribution of monies from the account.

Mr. Rick Allis, Director, Utah Geological Survey, said the bill would provide that .75 percent of the monies in the account would be distributed to the Geological Survey for test wells and other hydrologic studies in the West Desert and would reduce the amount of money distributed from the account to the Permanent Community Impact Fund.

Mr. Kevin Carter, State and Institutional Trust Lands, explained that current income flows are dependent upon how oil and gas and coal revenues accrue in the future.

**MOTION:** Sen. Dayton moved to pass 2010 General Session draft legislation, "Land Exchange Distribution Account Amendments," with a favorable recommendation and as a committee bill. The motion passed unanimously. Sen. Morgan and Rep. Painter were absent for the vote.

## **11. Draft Legislation, "Escalante Heritage Hole-in-the-Rock Center Joint Resolution"**

Sen. Stowell discussed 2010 General Session draft legislation, "Escalante Heritage Hole-in-the-Rock Center Joint Resolution." He explained that the resolution expresses support for the construction of a Heritage Center in Escalante, Utah, to highlight the journey of the San Juan/Hole-in-the-Rock colonizing expedition during the winter of 1879-80.

Mr. Jerry Roundy, Board Chairman of Escalante Heritage Center, read the background history of the colonization of the hole-in-the-rock. He said the center is a 501c3 organization dedicated to preserving the history and heritage of the pioneers who settled the valley.

**MOTION:** Rep. Winn moved to pass 2010 General Session draft resolution, "Escalante Heritage Hole-in-the-Rock Center Joint Resolution," with a favorable recommendation and as a committee resolution. The motion passed unanimously. Rep. Painter was absent for the vote.

Rep. Barrus turned the chair over to Sen. Stowell.

## **12. Draft Legislation, "Utah State-made Firearms Protection Act"**

Sen. Dayton discussed 2010 General Session draft legislation, "Utah State-made Firearms Protection Act," which addresses the 2nd, 9th, and 10th Amendments. The bill provides that guns made in Utah and sold in Utah are subject to Utah control only.

Mr. Perry Dayton, former intern of Sen. Dayton, discussed the details of the bill. He said the bill provides that certain firearm-related items manufactured on a small scale, as long as they are kept in the state, are not subject to federal regulation.

Some members of the Committee expressed concern with possible fiscal considerations associated with the bill and moving forward with legislation when the issue has not been vetted through the court system.

**MOTION:** Sen. Christensen moved to pass 2010 General Session draft legislation, "Utah State-made-Firearms Protection Act," with a favorable recommendation and as a committee bill. The motion passed with Sen. Morgan, Rep. Chavez-Houck, and Rep. Riesen voting in opposition. Rep. Painter was absent for the vote.

## **13. Other Items / Adjourn**

Mr. Luke Zitting, Group Leader of Jane Goodall's Roots and Shoots, read a resolution from the group requesting that the Legislature consider renaming Groundhog Day (February 2) to Prairie Dog Day. He requested that the Committee provide him with any suggestions for the proposal.

Chair Stowell thanked committee members for their efforts during the year.

Rep. Gibson personally thanked Rep. Winn for his years of dedicated service to the Legislature and to the Committee.

**MOTION:** Rep. Hendrickson moved to adjourn. The motion passed unanimously.

Chair Stowell adjourned the meeting at 4:30 p.m.